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1141023  
PATENT  
Case Docket No. AVIGEN-003C1  
Date: October 30, 2001  
Page 1

In re application of : Couto et al.  
App. No. : 09/740,211  
Filed : December 18, 2000  
For : ADENO-ASSOCIATED  
VECTOR COMPOSITIONS  
FOR EXPRESSION OF  
FACTOR VIII  
Examiner : B. Whiteman  
Art Unit : 1633

I hereby certify that this correspondence and all  
marked attachments are being deposited with the  
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for Patents, Washington, D.C. 20231, on

October 30, 2001  
(Date)  
Jennifer A. Haynes, Ph. D., Reg. No. 48,868

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ASSISTANT COMMISSIONER FOR PATENTS

WASHINGTON, D.C. 20231

Sir:

Transmitted herewith is a Response to Restriction Requirement for the above-identified application.

Also enclosed are:

- Petition to Make Special Under MPEP 708.02, XII
- The present application qualifies for small entity status under 37 C.F.R. § 1.27.
- Return prepaid postcard.
- Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Jennifer A. Haynes, Ph. D.  
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Agent of Record

AVIGEN.003C1



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Couto, et al.	)	Group Art Unit 1633
			)	
Appl. No.	:	09/740,211	)	
			)	
Filed	:	December 18, 2000	)	
			)	
For	:	ADENO-ASSOCIATED VECTOR COMPOSITIONS FOR THE EXPRESSION OF FACTOR VIII	)	
			)	
Examiner	:	Whiteman, B.	)	

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RESPONSE

TO

RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is in response to the Restriction Requirement mailed from the United States Patent and Trademark Office on October 9, 2001 (Paper No. 5). Therein the Examiner indicated that the above-captioned application contains two different inventions defined by Group I (Claims 2-7 and 18, drawn to a pharmaceutical composition comprising two recombinant adeno-associated virions, each encoding a portion of Factor VIII), and Group II (Claims 8-17 and 19, drawn to a pharmaceutical composition comprising a recombinant AAV, encoding Factor VIII) and required an election of the invention to be examined.

In response to this Requirement, Applicants elect to prosecute Group II, Claims 8-17 and 19, drawn to a pharmaceutical composition comprising a recombinant AAV comprising a nucleotide sequence encoding at least one functional Factor VIII protein. The election is made without traverse.

Appl. No. : 09/740,211  
Filed : December 18, 2000

Conclusion

If any clarification is needed, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Oct 30, 2001

By Jennifer Haynes

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